

Notice of Allowability

Application No.

10/627,395

Examiner

Ehud Gartenberg

Applicant(s)

KESSELI, JAMES B.

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/20/2004.
2. ☒ The allowed claim(s) is/are 1-26.
3. ☒ The drawings filed on 28 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Otterlee on 01172005.

The application has been amended as follows:

Claim 1 has been amended as follows:

On l. 4 of the claim, "operable to" has been deleted;

On l. 4 of the claim "produce of flow of" has been changed to -- produces a flow consisting of --;

On l. 5 of the claim, "the flow of" has been changed to -- the flow consisting of --.

Claim 5 has been amended as follows: on l. 2 of the claim, " the reactor bed." Has been changed to -- the reactor bed, to initially heat said bed to its operational temperature. --

Claim 7 has been amended as follows: on l. 1, "claim 1," has been changed to -- claim 5, --.

Claim 12 has been amended as follows:

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On l. 2 of the claim, "a mixture of" has been changed to -- a mixture consisting of --;

On l. 3 of the claim, "operable to compress" has been changed to -- compresses- -;

On l. 8 of the claim, "the flow of" has been changed to -- the flow consisting of --.

Claim 16 has been amended as follows: on l. 2 of the claim, " the reactor bed." Has been changed to -- the reactor bed, to initially heat said bed to its operational temperature. --

Claim 18 has been amended as follows: on l. 1, "claim 12," has been changed to -- claim 16, --.

Claim 23 has been amended as follows:

On l. 3 of the claim, "flow of" has been changed to -- flow consisting of --;

On l. 4 of the claim, "flow of" has been changed to -- flow consisting of --;

On l. 6 of the claim, "flow of" has been changed to -- flow consisting of --;

Claim 24 has been amended as follows: on l. 2 of the claim, "VOC's." has been changed to -- VOC's, to initially heat said bed to its operational temperature. --

Allowable Subject Matter

2. Claims 1-26 are allowed.
3. The following is an examiner's statement of reasons for allowance: prior art does not teach in combination with the other limitations of the independent claims an apparatus and method of use for combusting exclusively VOC's with air. Note that the additional gas burners that are used in the present invention solely for the purpose of initially heating the reaction bed to its operational temperature are used in the prior art throughout the combustion process, and as a necessary and integral part of maintaining the combustion process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haensel 3790350, Beebe 4794753 and 5161366, and Feitelberg 5912198 teach catalytic beds with honeycomb structure; Beebe 5826429; Dibble 6205768 and Child 5983992 col. 3, ll. 33-35 for location of recuperator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ehud Gartenberg whose telephone number is 571 272 4828. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571 272 4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ehud Gartenberg
Primary Examiner
Art Unit 3746

01172005